

research that has helped shape environmental policy.

Our thoughts are with Ralph's wife, Carol, his daughter, Sarah, and his two grandchildren. He will be truly missed but will be long remembered for his contributions to the Orange County UCI and science communities.

#### DISTRIBUTION OF GREENHOUSE GASES

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, this is another in a series of 1-minutes on cool science endeavors by American scientists.

Today I discuss a system that provides data about the distribution of greenhouse gases around the Earth. The National Science Foundation funded the Airborne Platform for Pole-to-Pole Observations, called HIPPO, that maps the composition and interactions of greenhouse gases as they move around the Earth. This information is used to identify the sources and sinks of carbon dioxide.

The field efforts were highly successful, and these unique experiments are providing valuable insight into the role of the global carbon cycle in the climate system. This data has been made publicly available and will be a source of information for years to come.

The project was a coordinated effort by the NSF and the NOAA to acquire a clearer picture of the impact of carbon dioxide on rainforests and other ecosystems.

I urge Congress to continue its support for scientific endeavors, such as HIPPO, so that we can gain a better understanding of our Earth's climate system.

#### LET'S GET THE 21ST CENTURY CURES ACT ACROSS THE FINISH LINE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to shine a light on the millions of Americans impacted by deadly diseases that currently have no cure. We know that better treatments and cures for diseases like cancer, ALS, Alzheimer's, and the 7,000 rare diseases are within our reach.

We need to break down the government barriers to innovation and discovery. The 21st Century Cures Act will do just that. I stand with my colleagues on the Energy and Commerce Committee when I say: let's get this done. We have the chance now to help make a profound impact on people's lives.

With Cures, and my provision in the OPEN Act, we are opening the doors for medical breakthroughs to happen. For the sake of millions of patients and their families, let's get 21st Century Cures across the finish line.

#### THE FINAL 1-MINUTE SPEECH

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, over the last 5½ years, I have spoken here on the House floor more times than I can count, but this will be my last. I am retiring from Congress and joining the Los Angeles County Board of Supervisors, a position my father held for 40 years, where he did so much good for so many people.

Few people have the privilege to serve their community and their country in the United States Congress. I am honored by the trust my constituents invested in me to represent them. I have been humbled by the experience and continue to be in awe of the time I have spent as both a witness and participant to history.

Washington can be a difficult place, but I have managed to make incredible friends here with my colleagues on both sides of the aisle, from my good friend, Congressman TED POE, my co-chair on the PORTS Caucus; to DAVID CICILLINE, my best friend, my inspiration for the issues that he addresses each and every day; and to LOUIE GORMERT, my co-chair for the National Prayer Breakfast.

I want to thank Leader PELOSI for her example and for the strength she instills in all of us in the Democratic Caucus.

I am eager to get back to work in Los Angeles, but I will be sorry to say goodbye to all of you. I have appreciated your support, your friendship, your dedication to your constituents, and to this great country, and I will forever be grateful to have known you.

#### RECOGNIZING NATIONAL PARK SERVICE DIRECTOR JONATHAN JARVIS

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to recognize Director Jonathan Jarvis on his impressive career preserving some of our Nation's most treasured places as Director of the National Park Service.

Director Jarvis serves as the 18th director in the NPS history and developed his love for national parks at a young age, with his family's farm tucked in Virginia's Shenandoah Valley backing up to the Washington National Forest.

A Virginia native, Director Jarvis graduated from the College of William and Mary with a degree in biology and began his career as a seasonal interpretive ranger on the National Mall in 1976.

As Director, he oversees an agency responsible for over 400 national parks, attracting some 280 million visitors each year. Recently, while on the grounds of Teddy Roosevelt's beloved

home, Sagamore Hill, I was pleased to hear his vision for the essential role of parks in our national life.

At the end of this year, the centennial year of the National Park Service, Director Jarvis will retire after 40 years of service. I extend my warmest regards and best wishes to Director Jarvis in this next chapter of his life. Happy trails.

#### TOOLS TO PREVENT VIOLENCE IN THE MIDDLE EAST

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, this week this House passed two important measures dealing with the problems we have in the Middle East. One measure on extending the Iran sanctions, the ability for the President to authorize those that would have expired at the end of this year, was passed by this House in order to give this administration and the next one tools needed for the bad behavior of Iran that it continues to exhibit. We cannot trust that they will continue to adhere to the bad agreement that was made.

Also an important measure was that for Syria to cause sanctions against their proclivity to bring violence upon their citizens. We need both of these measures for this President and this administration currently and, very importantly, going into the next one to be able to enforce against these bad activities that are happening in the Middle East.

I urge the Senate to take up these measures. I urge this President to pass these measures, so we have these important tools to prevent this kind of violence in the Middle East using our sanction ability.

#### MIDNIGHT RULES RELIEF ACT OF 2016

##### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5982.

The SPEAKER pro tempore (Mr. HILL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 921 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5982.

The Chair appoints the gentleman from California (Mr. DENHAM) to preside over the Committee of the Whole.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 5982) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for “midnight rules”, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

□ 0915

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

As the Obama administration comes to a close, Americans’ freedom and prosperity is once again threatened by one of the most abusive features of modern bureaucracy: midnight regulation.

Midnight regulation is one of the most vexing problems in Washington’s overreaching regulatory system. Administration after administration, there is a spike in rulemaking activity during the last year of a President’s term—particularly between election day and Inauguration Day, but even in the months before then.

These successive waves of midnight regulation present deeply troubling issues. First and foremost, because outgoing administrations are no longer accountable to the voters, they are much more prone to issue midnight regulations that fly in the face of the electoral mandate the voters just gave the new, incoming administration.

Waves of midnight rules can also be very hard for Congress or a new administration to check adequately. As a new Congress and President begin their terms, both, understandably, must be focused on implementing the new priorities within the mandates the voters have given them. That doesn’t always leave time to focus on cleaning up all of the last acts of the departing administration.

In addition, the Congressional Review Act currently allows Congress to disapprove of regulations—including midnight regulations—only one at a time. A wave of midnight regulations can easily overwhelm Congress’ ability to use one-rule-at-a-time resolutions as an effective check.

Finally, it is well-documented that the rush by outgoing administrations to impose midnight rules before the clock strikes 12 leads to more poorly analyzed rules with lower quality and lower benefits.

The Obama administration has imposed more runaway regulation than any other in memory, and its midnight rulemaking period is no exception. This administration has issued or plans to issue at least 180 midnight rules within the scope of this bill, including

multiple billion-dollar rules and more than 20 major rules imposing \$100 million or more in costs per year. It has been estimated that as many as \$113 billion in new regulatory costs can be attributed to the final months of the Obama administration’s rulemaking activity.

But this is not a partisan issue. Administrations of both parties have issued midnight rules in the past. The Judiciary Committee has been searching for that solution for some time, and I applaud our colleague, Mr. ISSA, for introducing the Midnight Rules Relief Act to respond to the need. This bill offers, at last, a simple and powerful means to stop the problem of abusive midnight rules—allowing Congress to disapprove of any and all midnight regulations in one fell swoop by one en bloc disapproval resolution under the Congressional Review Act.

Any outgoing administration, understanding that it has this sword of Damocles hanging over its head for the next Congress’ use, will surely hesitate much more before abusing midnight rules. Further, once enabled to dispose of all improper midnight rules with one simple resolution, Congress and succeeding administrations would be free to focus more of their energies on the voters’ new priorities rather than the mess left by midnight rules.

The relief offered by the bill, moreover, is highly flexible. No set number of regulations would have to be covered by a resolution. No categories of regulation would have to be included in or excluded from a resolution. On the contrary, any midnight rule disapproval resolution could be sweeping or narrow, depending on how many rules merited inclusion.

Finally, the Midnight Rules Relief Act offers a solution that is not intrusive upon legitimate executive branch authority. An outgoing administration remains free to conduct necessary rulemaking activity up to the stroke of midnight on Inauguration Day. It then falls to Congress to respond swiftly and surgically to the results, to accept the good and excise the bad.

This is truly a better way to govern. That is why the reform embodied in this bill is featured in Speaker RYAN’s Better Way agenda.

I thank Mr. ISSA for his work on this important legislation, and I urge all my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 5982, the Midnight Rules Relief Act. This sweeping measure would empower Congress to undo virtually every regulation submitted to Congress since May through to the end of this year. I repeat: this measure would empower Congress to undo virtually every regulation submitted to Congress since May through to the end of this year. The bill accomplishes this end by authorizing Congress to dis-

approve these rules through a single joint resolution, thereby depriving Members to consider the merits of each individual regulation.

H.R. 5982 presents numerous concerns. To begin with, this bill would provide special interests with yet another opportunity to block critical, lifesaving regulations.

Prior to submitting results to Congress, agencies typically take several years to ensure that rules are carefully vetted. As administrative law expert Washington University School of Law Professor Ron Levin has previously testified, much of modern rulemaking involves a “very detailed analysis of legal, factual, and policy issues, many of them highly technical. This work is better suited to the subject matter specialists in the respective agencies.”

Faced with this complexity, H.R. 5982 would result in Congress predictably relying on industry input when presented with an up-or-down vote on a long list of complicated and often highly technical rules. David Goldston of the Natural Resources Defense Council has previously cautioned that similar measures would result in special interests descending on the Congress with even greater fervor than is currently the case.

I am also concerned that H.R. 5982 is based on the fundamentally flawed premise that rules finalized during the final year of a President’s term are somehow rushed or improperly vetted. In fact, the nonpartisan Administrative Conference of the United States found in 2012 that “a dispassionate look at midnight rules issued by past administrations of both political parties reveals that most were under active consideration long before the November election.”

The conference also reported that many of these rules involved purely routine matters initiated before the Presidential transition period or as the result of deadlines outside the agency’s control, such as year-end statutory or court-ordered guidelines.

Indeed, the so-called midnight rules may actually take longer to adopt than other rules. For example, Public Citizen reports that rules adopted during a Presidential transition period were typically proposed 3.6 years prior to their adoption, while other rules adopted in non-transition periods took only 2.8 years to complete.

The Center for Progressive Reform has likewise observed that concerns surrounding midnight rulemaking are overstated, stating that “there simply is no reason to believe that a rule released at the end of an administration is worse than those that are released at any other point.” Perhaps this is because Congress already has the tools to vacate an unreasonable rule under current law known as the Congressional Review Act.

Lastly, as with the many other antiregulatory bills we have considered

in this Congress, this legislation completely ignores the benefits of regulation and is premised on the unsubstantiated belief that regulations undermine employment or economic growth. This is why H.R. 5982 is opposed by a broad coalition of organizations, including the AFL-CIO, the Consumer Federation of America, Consumers Union, and the Natural Resources Defense Council.

As the administration correctly observes in connection with its veto threat to this bill—and there is one—H.R. 5982 would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society. Accordingly, I oppose—and hope that you will too—this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, the Midnight Rules Relief Act of 2016 is yet another unfounded and reckless attempt to prevent the implementation of critical laws by the Republican majority.

H.R. 5982 would amend the Congressional Review Act to enable Congress to bundle numerous rules finalized during the final year of a President's term into a single vote on a joint resolution of disapproval. Alarming, once these rules have been invalidated through this process, the agency may not adopt a subsequent similar rule absent express authorization by Congress.

According to my Republican colleagues, the Obama administration's regulatory agenda has eroded job growth and economic prosperity—far from it, however. Under President Obama's leadership, we have seen the longest consecutive streak of private job creation, the fastest growth of middle class income ever, and more high-quality and affordable health care for working Americans.

Recently, the Census Bureau released new data indicating that in 2015 the median household income grew at the fastest rate on record, while the poverty rate fell at a faster rate than at any point since 1968. New data from the American Community Survey indicates that the number of uninsured Americans is declining in nearly every State. These metrics reflect a strong record of progress as Federal agencies implement laws like the Dodd-Frank Act and the Affordable Care Act.

If anything, Mr. Chairman, we need new rules and better enforcement of existing law to ensure corporate accountability. In fact, it has only been months since the shocking revelations of Wells Fargo's years of illegal bank-

ing practices have come to light. This sweeping display of corporate deception and hubris smacks of the very culture and lack of internal controls that gave rise to the mortgage crisis, collapsing the economy and employment.

Indeed, as U.S. Treasury Secretary Jack Lew has cautioned, this scandal ought to be a moment where people stop and note, remember how dangerous the system is when you don't have the proper protections in place.

While the Consumer Financial Protection Bureau has issued its largest civil penalty ever—\$100 million—in response to this scandal, this was a drop in the bucket compared to the bank's \$20 billion in profits last year or its chief executive's \$200 million stock compensation deal. What is more, not only did the bank deceive its own customers, Wells Fargo buried the scandal through forced arbitration clauses that shielded itself from liability and public accountability.

This is simply unacceptable and drives home the point that there is still much work to be done to ensure fairness and accountability in the financial system, regardless of how many days may be left in the President's term.

Mr. Chairman, in closing, I urge my colleagues to oppose this legislation.

□ 0930

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Small Business Committee.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his leadership as chairman of the Judiciary Committee. Mr. GOODLATTE has done an excellent job there, and we appreciate the work on this bill and many other things as well.

Mr. Chairman, I rise today in strong support of H.R. 5982, the Midnight Rules Relief Act, introduced by my friend and colleague from California (Mr. ISSA).

Over the last 8 years, the Obama administration has gone, let's face it, on a regulatory rampage. Each year, the administration's major rules have cost over \$100 billion—\$100 billion. A disproportionate share of those enormous costs have fallen on America's 28 million small businesses.

As chairman of the House Small Business Committee, I have heard firsthand from the owners and employees of these small businesses in our hearing room, and also back home in my district in Cincinnati, Ohio, how these new regulations have harmed them personally. And I want to emphasize that it doesn't just hurt the owner of the small business, but all those folks who work for him. Sometimes that is two people, three people, five people, ten people. It affects them and their families, and generally it is very adversely.

I think it is critical we realize that about 70 percent of the new jobs created in the American economy nowadays are created by these small busi-

nesses that, basically, have had these regulations that this administration has imposed on them. It is like a wet blanket over them and over this economy. So this particular legislation is absolutely critical. It is critical that we pass it.

The last thing that these small businesses need right now is a flood of new regulations from the President's army of bureaucrats as they beat a hasty retreat out of Washington. Outgoing Presidents oftentimes push through new regulations in the final days of their administrations to lock in as much of their agenda as possible.

Let's face it, on election day, that agenda was, for the most part, rejected. And to allow an administration to impose even more bureaucracy and more regulations on the small business community and on the American people is just something that we should not allow to happen. That is why this legislation has been introduced.

These so-called midnight rules are thrown together hastily with little analysis or regard for the costs and burdens that they will impose on America's entrepreneurs. Sadly, the administration has given every indication that they will be ramping up, not slowing down, the red tape dispenser over the next 9 weeks. This common-sense, bipartisan legislation will give Congress, the elected representatives of the American people after all, the power to stop all midnight rules with one vote.

Next weekend, we will celebrate Small Business Saturday, an opportunity to celebrate small businesses, and recognize that they are a key to making our economy succeed. Midnight regulations are an imminent threat to their success. So let's not spoil Small Business Saturday by having a whole bunch of new regulations, new red tape, new things that they have to deal with other than actually doing things which will make their business successful so that they can actually make a profit and hire more people. Let's not allow the bureaucrats here in Washington to spoil that.

I urge my colleagues to pass this bill and send a clear message to our small businesses all across America that we have their back and regulatory relief is on the way.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 5982, the so-called Midnight Rules Relief Act, which amends the Congressional Review Act. This bill would allow Congress to consider a joint resolution to simultaneously disapprove multiple regulations en bloc, all at once, when such rules are issued within the last 60 legislative days of a session of Congress in the final year of a President's term. Now, that is legislative days. In this case, 60 legislative days

would reach back until May of this year, almost 8 months before the end of the President's term. To call the rules issued last spring a midnight rule is a curious use of the word.

This bill puts in place an indiscriminate process to eliminate rules, many of which have been under consideration for years, even decades, to protect consumers, working people, and students. This bill denies Congress the opportunity for a careful case-by-case review that the congressional review process now provides, and that process would be appropriate for reasoned decision-making by a legislative body.

This bill would jettison rules without even considering the costs and benefits of whether the rule followed the least burdensome approach to achieve a goal under the law. Once a rule is rejected, the rule can never be taken up again in substantially similar form. So after a thoughtful review, we might decide that the unpleasant regulation was actually the better way to address a problem than any alternative, but by then it is too late.

Mr. Chairman, under the Congressional Review Act, the Senate could pass its en bloc resolution of disapproval without even holding a hearing, and send it to the House for a vote on the floor without any form of consideration by the committee of jurisdiction. So we would end up just voting on a slogan or a sound bite without any opportunity for deliberative consideration. That is not a responsible way to legislate.

There has always been criticism of a tendency of a significant number of rules and regulations to be issued following a Presidential election before the President leaves office, regardless of the party in control. However, the nonpartisan congressionally mandated Administrative Conference of the United States found that "a dispassionate look at midnight rules issued by past administrations of both political parties reveals that most were under active consideration long before the November election."

They go on to say that many of the rules involved routine matters or were required by law. For example, a final OSHA rule to prevent injuries caused by inadequate fall protection has been under development for over 26 years.

The Administrative Conference called for Congress to put in place a 60-day waiting period for rules that are issued after a Presidential election so that the new incoming administration can review the rules. Now, that legislation is what we really ought to be considering, not the bill before us today.

I think it is important to look at some of the rules that could be impacted under this bill:

The Department of Labor issued a rule requiring Federal contractors to provide up to 7 days of paid sick leave annually for people working on Federal contracts.

A forthcoming OSHA regulation, which has been under development for

over 18 years, would protect workers from overexposure of beryllium. That is a substance that causes incurable lung disease often resulting in death by suffocation. That rule has been under consideration for 18 years and we are finally getting to the actual rule.

The rule to implement the Fair Pay and Safe Workplaces Executive Order, which ensures that taxpayer dollars support those Federal contractors who comply with labor, civil rights, and workplace safety laws, not those who routinely and seriously violate such laws.

The EEOC's pay data rule, which helps eliminate pay disparities due to race, ethnicity, and gender.

The Department of Education's borrower's defense rule, which helps protect student borrowers who were defrauded by their universities.

The Department of Education's forthcoming K-12 accountability rule, which provides clarity and ensures faithful implementation of the bipartisan Every Student Succeeds Act in order to graduate all students ready for success in college and career.

The Department of Education's forthcoming supplement not supplant rule, which ensures that Federal dollars actually supplement State and local education funds that target at-risk youth.

And, finally, another Health and Human Services' Head Start rule, which improves quality and access for our Nation's most vulnerable early learners.

Each of these rules involves complex issues that cannot be discussed or properly addressed through the en bloc process where you have a bunch of regulations all in one bill. Now, if a rule needs to be challenged, the present law provides for a deliberative process to challenge the rule. Regrettably, H.R. 5982 is poised to allow the wholesale undermining of critical protections for students, workers, taxpayers, and consumers.

I, therefore, urge a "no" vote on the bill.

Mr. Chairman, I include in the RECORD a Statement of Administration Policy in opposition to the rule.

STATEMENT OF ADMINISTRATION POLICY  
HR. 5982 MIDNIGHT RULES RELIEF ACT OF 2016—  
REP. ISSA, R-CA, AND EIGHT COSPONSORS

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. When a Federal agency promulgates a regulation, the agency must adhere to the robust and well-understood procedural requirements of Federal law, including the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act, in a manner that ensures that the rulemaking process is transparent and considers the input of stakeholders. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regula-

tions, consistent with their statutes, upon a reasoned determination that the benefits justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility.

The Administration continues to be guided by the same rigorous practices and principles used to develop and review regulations that have been upheld throughout the entirety of this Administration and previous Administrations. On December 17, 2015, the Administrator of the Office of Information and Regulatory Affairs reiterated that the Administration would maintain its normal review standards, and instructed agencies to plan and prioritize its regulations in order to ensure an orderly review process during the final year of the Administration. For these reasons, H.R. 5982 is intended to solve a problem that does not exist.

Lastly, the Congressional Review Act (CRA) already allows for the Congress to disapprove of rules on a case-by-case basis. Thus, providing for an arbitrary packaging of rules for an up-or-down vote, as this bill does, is unnecessary. In addition, the bill would expand the scope of rules subject to the CRA such that by the time a vote on a resolution occurs, some of the rules may have been in effect for over a year. By doing so, H.R. 5982 would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society.

If the President were presented with H.R. 5982 his senior advisors would recommend he veto the bill.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ISSA), a member of the Judiciary Committee.

Mr. ISSA. Mr. Chairman, I thank the gentleman for yielding.

Presidents from both parties have made a habit of midnight rules. And although here today we hear about 18 years of a deliberative process on beryllium, 18 years of consideration and it has to be passed in the last few days of a departing administration? What was the administration doing for 8 years? How deliberative can one be?

The fact is these are not accidents. Midnight rules are, in fact, deliberately held to the end of an administration. That is the reason they are called midnight rules.

Now, having said that, the bill today, H.R. 5982, is not, in fact, about midnight rules. We already have legislation to take care of that. What we don't have is an effective way to do it when we are dealing with, perhaps, 100, 120, 150, and, if not checked, perhaps more, in times to come, midnight rules from an outgoing administration.

We are talking today about the balance of power, about whether Congress should be efficient and effective in its ability to consider legislation. In this case, legislation done by the other branch, a branch not constitutionally allowed to do legislation. Let's remember, regulations are, in fact, a loan to the executive branch to clarify legislation done by this body.

If we believe that they do not fairly and appropriately interpret our legislation in their rulemaking, if we believe

they exceeded the authority or the meaning of the legislation, whether passed just a few days ago, a few years ago, or, in fact, a century ago, we have an obligation to bring up, consider, and respond. In fact, rulemaking, as we know it, is, in fact, something that if the gentleman, my colleague on the other side of the aisle, wanted to, he could bring up the regulation as a law and consider it in this body at any time.

I believe it is pretty clear that the objection in this case is an anticipated objection to the efficiency of being able to deal with one or two regulations at the end of a Presidency. We have an obligation to deal with all of them in a fair way.

Now, one thing that was missed in this is nothing in this legislation requires that we take them all up at the same time. In the next Congress, it certainly would be appropriate for Members who wanted to have longer debate to ask for longer debate on the overall vote, or, in fact, to break it into pieces and ask for that. That is true in this body and it is true in the other body. As a matter of fact, the other body hasn't even created rules yet and certainly could create rules that would define further debate on midnight rules.

So I think today what we are really talking about is: Will Congress live up to its responsibility to the American people to, in fact, be the bastion of law creation, whether laws are created by this body directly or in the review of regulations created by an administration on behalf of this body? Ultimately, we own responsibility for laws and regulations, whether they work or don't work.

Lastly, this body has not done nearly enough to review regulations and their effect. During my tenure on another committee, over and over again I saw regulations by both administrations I have served under to create regulations that they said would cost little or nothing. By the time they come to pass, we discover they almost inevitably have a greater impact to our economy, adverse impact in many cases, than forecasted. That review is another area that we should do.

But for today, this simple piece of legislation is only asking that Congress live up to its responsibility and do so in a way that would not tie up weeks or months of either body simply to decide that a regulation needs to be sent back for further review and, perhaps, reissued in a fashion more consistent with the laws created by this body and signed by previous Presidents.

□ 0945

Mr. CONYERS. Mr. Chairman, I have no other requests for speakers, and I am prepared to close if the gentleman is likewise.

Mr. GOODLATTE. Yes, I am prepared to close as well.

Mr. CONYERS. Mr. Chairman, I have closing remarks that I would like to

present at this time, and I yield myself the balance of my time.

With just a few weeks remaining in this Congress, it is a disservice to the American people that we are now wasting our limited time and resources on this legislation. As many of my colleagues will recall, less than 4 months ago, the House passed comprehensive anti-regulatory legislation that imposes a moratorium on so-called midnight rulemaking. So, clearly, the House has already acted to address the nonexistent problem of midnight rulemaking.

In closing, I urge my colleagues to seriously join me in opposing H.R. 5982, a bill that is utterly unnecessary, anointed, and ill conceived.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

On election day, the American people delivered a resounding message to Washington: do not continue the Obama administration's policies; stop the regulatory Big Government onslaught that has been killing our jobs, strangling recovery, and suffocating our futures.

Passage of this bill is the way to say immediately: We have heard you loud and clear. The American people have said "no" to the continuance of the Obama administration's policies. This bill guarantees that Congress can prevent any and all last-minute defiance of the people's will by midnight regulations that stubbornly seek to entrench the last pieces of the administration's partisan agenda.

Those regulations come from a host of agencies. They include everything from overtime rules to greenhouse gas emission standards for heavy-duty engines and vehicles and scores of other regulations in between, and they threaten to impose on our economy over \$100 billion in new annual costs.

It is not Obama administration bureaucrats who should tell the people what they must do in these areas, rushing costly political preferences out the door before the stroke of midnight. It is the incoming administration, working with Congress, that should determine the rules to govern the future and the regulatory rollbacks that will let freedom ring and Americans prosper.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I rise to support H.R. 5982, the Midnight Rules Relief Act, which allows Congress to disapprove en bloc regulations from the Administrations submitted for review within 60 days of the end of a presidential term.

Under current law, Congress can only use its authority under the Congressional Review Act to disapprove one regulation at a time. Presidential Administrations of both parties have issued bulk regulations as their term comes to an end. These midnight regulations are usually rushed and not properly vetted by federal agencies, often imposing high costs on

taxpayers, threatening small businesses with new burdens, and frustrating American voters. Currently, Congress lacks the ability to check this type of regulatory overreach. H.R. 5982 ensures that rules are not rushed in order to achieve an outgoing partisan agenda without having the people's representatives carefully review them.

The Acting CHAIR (Mr. DOLD). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 5982

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Midnight Rules Relief Act of 2016".

#### SEC. 2. EN BLOC CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL PERTAINING TO "MIDNIGHT RULES".

(a) IN GENERAL.—Section 801(d) of title 5, United States Code, is amended by adding at the end the following:

"(4) In applying section 802 to rules described under paragraph (1), a joint resolution of disapproval may contain one or more such rules if the report under subsection (a)(1)(A) for each such rule was submitted during the final year of a President's term."

(b) TEXT OF RESOLVING CLAUSE.—Section 802(a) of title 5, United States Code, is amended—

(1) by inserting after "resolving clause of which is" the following: "(except as otherwise provided in this subsection)"; and

(2) by adding at the end the following: "In the case of a joint resolution under section 801(d)(4), the matter after the resolving clause of such resolution shall be as follows: 'That Congress disapproves the following rules: the rule submitted by the \_\_\_ relating to \_\_\_; and the rule submitted by the \_\_\_ relating to \_\_\_. Such rules shall have no force or effect.' (The blank spaces being appropriately filled in and additional clauses describing additional rules to be included as necessary)".

The Acting CHAIR. No amendment to the bill shall be in order except those printed in part B of House Report 114-818. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114-818.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 12, insert "(A)" before "In applying".

Page 3, line 14, insert after "one or more such rules" the following: "(other than an excepted rule)".

Page 3, line 16, insert after "President's term." the following:

(B) For purposes of this paragraph, the term "excepted rule" means a rule that is necessary because of an imminent threat to health or safety or other emergency.

The Acting CHAIR. Pursuant to House Resolution 921, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, my amendment would exempt from H.R. 5982 the rules issued in response to an imminent threat to health, safety, or other emergencies.

My amendment addresses one of the most problematic aspects of H.R. 5982 which would permit Congress to invalidate rules en bloc without proper consideration of any individual rule's benefits and no matter how important or time-sensitive such rule may be.

Agencies often promulgate emergency rules in response to immediate threats to public health and safety. As the Congressional Review Act itself recognizes, such critical rules can go into effect immediately if the President so directs by executive order.

H.R. 5982 would, however, empower a subsequent Congress and administration to override such determination and disapprove these rules. As a result of such disapproval, these regulations would be null and void, as if they had never taken effect.

It is no secret that industry and special interests have strenuously opposed many life-saving requirements that the Federal Government has imposed over the years, such as air quality standards, the mandatory installation of automobile airbags, and emergency exit lighting for passenger airplanes.

Nevertheless, H.R. 5982 provides an open invitation for industry to have yet another bite of the apple by seeking to undo regulations in a new Congress and administration.

For example, let us consider the Flint water crisis in my State, which was a preventable public health disaster. While much blame for the Flint water crisis lies with unelected officials who prioritized saving money over saving lives, the presence of lead in drinking water is not unique to Flint. In fact, the drinking water of potentially millions of Americans may be contaminated by lead. It is a continuing problem.

Long before this crisis surfaced, the Environmental Protection Agency had been in the process of updating its Lead and Copper Rule, which was originally promulgated in 1991 after years of analysis. In fact, that agency is still in the process of finalizing this regulation.

Yet, had this rule been submitted to Congress last month and gone into effect immediately pursuant to executive order, H.R. 5982 could be used by the incoming Congress and administration to invalidate this critical regulation.

So, accordingly, I strongly urge my colleagues to support my commonsense

amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chair, the Midnight Rules Relief Act leaves to each Congress, making use of its maximum flexibility, to fashion a midnight rule disapproval resolution. No one category of regulation is in; no one category of regulation is out.

The question, instead, is: Which are the midnight rules, from whatever category, that fly in the face of the voters' mandate or are otherwise abusive or infirm?

No carve-outs of any kind are needed, including for health, safety, and other emergency rules, because nothing is categorically carved in.

Indeed, by carving out emergency rules, the amendment would only impede the ability of Congress to both respond swiftly and efficiently to abusive midnight rules and clear the path for the incoming administration to issue appropriate new rules to meet emergencies.

I urge all of my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chair, I have no other requests, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CONYERS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114-818.

Mr. JOHNSON of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 12, insert "(A)" before "In applying".

Page 3, line 14, insert after "one or more such rules" the following: "(other than an excepted rule)".

Page 3, line 16, insert after "President's term." the following:

(B) For purposes of this paragraph, the term "excepted rule" means a rule that was proposed by a Federal agency more than three years prior to the agency submitting the rule to Congress.

The Acting CHAIR. Pursuant to House Resolution 921, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment is simple. It would exempt rules issued by an agency more than 3 years prior to their submission to Congress.

This amendment is designed to confront the fundamentally flawed premise of H.R. 5982, namely, that rules submitted to Congress during the final 60 legislative days of a session are somehow less valid than rules submitted prior to that period.

To set the record straight, this bill does not apply to rules submitted during the lameduck period following an election.

Notwithstanding the bill's colorful title, H.R. 5982 applies to every rule submitted to Congress within the final 60 legislative days of a session.

As the nonpartisan Congressional Research Service has clarified, this would include rules submitted as early as May 2016. Eight months should be adequate time for Congress to consider the merits of economically significant rules, which often take years to finalize.

Indeed, according to the nonpartisan, congressionally established Administrative Conference of the United States, the ACUS, many of these rules adopted between an election and the inauguration of a new President involve "relatively routine matters not implicating new policy initiatives by incumbent administrations."

Public Citizen similarly found in a report issued earlier this year that rules adopted during the final months of an administration take 3.6 years on average to finalize. And that is just rules that are submitted to Congress during the final 3 months of a President's term.

Again, this bill applies to rules adopted during much of the final year of the President's term, dramatically undercutting the bill's stated purpose. So, despite the majority's claims that the bill applies to midnight rules, this legislation would allow Congress to bundle numerous rules finalized during the final year of a President's term into a single vote on a joint resolution of disapproval. In other words, Mr. Chairman, this bill is a solution to a nonexistent and undocumented problem.

Alarming, once these rules have been invalidated through this process, the agency may not adopt a subsequent similar rule absent express authorization by Congress.

I am also struck by the irony of the majority's stated concerns with a lack of transparency and public scrutiny in the policymaking process. This bill has not been subject to a single hearing. In fact, it was introduced less than a week prior to its markup in committee.

This legislation is symptomatic of a Republican majority more interested in focusing on coming up with the next great bill title or acronym than actually solving issues or helping the American people.



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Perhaps the majority should follow its own advice and proceed with regular order on new and controversial legislation.

I urge my colleagues to support my amendment, which is critical to ensuring that the rules that have already taken years to finalize to improve lives and protect people actually see the light of day.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

This amendment encourages two of the worst features of Washington bureaucracy. First, it gives heel-dragging, inefficient agencies a powerful incentive to take even longer to finalize rules proposed long ago to the public. This will only extend the regulatory uncertainty that hovers over job creators whenever new rules are proposed. Regulatory uncertainty freezes investment and job creation, and that is exactly what we do not need Washington to do.

Second, the amendment gives agencies the incentive to cram even more rules into the abusive midnight rule period. We should be discouraging the use of midnight rules not encouraging it.

I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I would submit that we, on this side, are always interested in making the rulemaking process more efficient, and this is an important bipartisan concern. The trouble is when you get bills that are half-baked and they are sprung on the minority and not even subjected to a full committee and the regular order that we would proceed through with legislation as important as this—it is sprung on us, and it ends up on the House floor as half-baked as it was when it was introduced—this is no way to go about reform.

I would just ask that this amendment be accepted. There is no doubt that this legislation is not going to go anywhere during this session of Congress, in terms of being signed into law.

My pledge is that we would work together in the future to draft legislation that improves the rulemaking process, and not shut it down or gum it up.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I was rather surprised at my colleague from Georgia (Mr. JOHNSON).

Since I am the author of the bill, I would say that for the 16 years I have been in Congress, I have been deliberating this piece of legislation, so it certainly is not new.

erating this piece of legislation, so it certainly is not new.

In much more seriousness, to call this not regular order is simply inaccurate. This has been discussed in multiple hearings, and it went through regular order with a full committee markup. So I would hope that the gentleman would reevaluate his words and recognize that half-baked would be inappropriate. This was fully vetted, and he had time for all the amendments we are hearing today at the time it was in committee.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 114-818.

Ms. JACKSON LEE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 12, insert “(A)” before “In applying”.

Page 3, line 14, insert after “one or more such rules” the following: “(other than an excepted rule)”.

Page 3, line 16, insert after “President’s term.” the following:

(B) For purposes of this paragraph, the term “excepted rule” means a rule that pertains to critical matters of national security.

The Acting CHAIR. Pursuant to House Resolution 921, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me take a moment to acknowledge my ranking member and my chairman for I believe that this past session has generated an enormous amount of bipartisanship and cooperation. I thank Chairman GOODLATTE for his leadership. I also thank Ranking Member CONYERS for the important leadership he has given to issues that we have warned about for a long time, and that is criminal justice reform.

I say that in the backdrop of being enormously concerned about H.R. 5982, which is redundant since we have already passed midnight regulation legislation. The House did that earlier this year to establish a moratorium on midnight rules, rather than addressing critical issues, such as creating new opportunities for job growth and advancement, or fixing our Nation’s broken immigration system, providing relief from crushing student loan debt, and, yes, moving forward on criminal justice reform.

We have legislation that now seems directed at President Obama before the election of last week and now, again, continuing to wish to do something

that impacts, I think, personally and directly on the President of the United States, who happens to be President Barack Obama. Because otherwise there is no real basis for this legislation.

I have amendment No. 3 that speaks to it and clearly specifically states why this is a problem. It provides a limited exception from the provisions of H.R. 5982 of any administrative regulation or rule promulgated to prevent or respond to matters of critical national security.

Mr. Chairman, if enacted in its current form, this bill will severely hamper our Nation’s capacity to respond to public health emergencies or to address many other critical public policy matters related to public safety or national security.

The American people should know this is an en bloc destruction of regulations that may save lives. It is to say: in your eye, Mr. President—and yes, whoever it may be—because it feigns itself to be bipartisan because it says “a President.” Well, obviously we know what President we are talking about right now. Probably next year, this will be completely eliminated.

First of all, if it goes through now, it should be vetoed; and I am sure any other President would veto it. They have to have the opportunity and the responsibility, as their constitutional duties, to stand in the gap for the American people. This would severely hamper our Nation’s capacity to respond to public health emergencies or to address many other critical public policy matters.

It would amend the congressional review to allow joint resolutions disapproving en bloc resolutions submitted to Congress for CRA review within 60 days of the end of the Presidential term. I don’t attribute to any President any malice just because their term is about to end.

I hold up for you the west Texas fertilizer plant blast that killed 15. The blast was preventable, the safety board says. And our President, rightly so, in mourning the loss of these individuals—the bomb explosion, if you will, was around schools. Thank God it was at night and these children were not nearby because the schools were leveled—so the President issued executive orders dealing with this issue.

I ask my colleagues to vote down this particular underlying bill and support my amendment.

I reserve the balance of my time.

Mr. ISSA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Chairman, I rise in opposition to the amendment. It carves out rules pertaining to critical matters of national security. As we know, with President Obama, President-elect Trump, and any other President, they have huge powers of executive authority when it comes to national security.

So to exclude something under the guise that it would be national security would inherently undermine the intent of the rule.

I always find it interesting that people internalize and personalize something. In this case, there is nothing better that this President could do for the American people—and perhaps for regulations that he would oppose in the future—than to sign this legislation. The fact is President Obama likely objects to many of the regulations that would come out of the new Trump administration.

There is no better time than now to reassert or allow to be reasserted the power of a Congress, a Congress that might very well reject President-elect Trump's legislation or regulations in the future.

So the reality is, although the gentlewoman from Texas would have you believe that this was a personal attack on our President, it is not an attack on our President. It is not an attack on our next President.

It is, in fact, a law that would allow Congress to reassert, in an efficient way, the authority which is constitutionally, inherently, and always ours.

For decades, perhaps two centuries plus, we have yielded the power, the right, and the responsibility of this body in appropriations, in regulations, and even in spending of a number of areas in taxation to the executive branch. We can yield to the executive branch, but we cannot run away from our responsibility. A regulation—ten regulations, a hundred regulations, or a thousand regulations that are disapproved by the American people and, from them through us, needs to be dealt with in an efficient fashion.

So do I disagree with this? Yes. Sadly, I disagree with the gentlewoman from Texas' characterization of the nature of this legislation. This legislation does not expire a few weeks or months from now, and it is intended to go on.

Lastly, to say we have already passed legislation in this Congress would imply that it was run through the Senate and signed by the President and, as a result, the reform is in place. No such thing is the case.

I would offer the gentlewoman from Texas in the next Congress to work with her on such legislation as would be signed by the next President.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time remains, please.

The Acting CHAIR. The gentlewoman from Texas has 1 minute remaining, and the gentleman from California has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, let me indicate that the gentleman from California is a good friend. We have served on the Judiciary Committee for a period of time. I could not disagree with him more. Yes, a very poison pill bill passed out of the House, and it did not go any further, which I hope this one will not go any further as well.

This bill is dangerous. It is a sweeping measure that would jeopardize the ability of the Federal Government to protect our Nation in times of urgent and imminent danger. Post-9/11, in the world we now live in, the role of the government in protecting its people has never been more important.

Specifically, my amendment ensures that the Federal Government is not further prohibited from responding to emergencies, such as the 2013 West Texas chemical explosion that killed 15 people and created a fireball that leveled nearly the entire town.

This legislation wants to en bloc—not separate, analyze, or work with the administration—en bloc. Mr. Chair, what that means is to take the whole ball of wax—take the bag and wipe out regulations that may be helping to save lives and protect the American people.

I have to disagree with, again, the gentleman from California. On Homeland Security, we deal with this all the time. On the Judiciary Committee, we deal with this all the time. I have to stand in the gap. We have to stand in the gap for the security of the American people.

Mr. Chairman, I ask my colleagues to support the Jackson Lee amendment to protect the national security of this Nation.

Thank you for this opportunity to briefly explain the Jackson Lee Amendment.

Specifically, the Jackson Lee Amendment provides a limited exception from the provisions of H.R. 5982, the “Midnight Rules Relief Act,” of any administrative regulation or rule promulgated to prevent or respond to matters of critical national security.

Mr. Chairman, if enacted in its current form, H.R. 5982, would severely hamper our nation's capacity to respond to public health emergencies or to address many other critical public policy matters relating to public safety or national security.

H.R. 5982 would amend the Congressional Review Act (CRA) to allow joint resolutions disapproving en bloc regulations submitted to Congress for CRA review within 60 days of the end of the presidential term.

In particular, H.R. 5982 purports to address concerns associated with new regulations and rules that are issued as the clock of an outgoing presidential administration runs out—otherwise known as “midnight rules.”

This is a sweeping and dangerous measure that would jeopardize the ability of the federal government to protect our nation in times of urgent and imminent need.

In the post-September 11th world we now live in, the role of the government in protecting its people has never been more important.”

It is important that the Administration at all times retains the authority to act in times of imminent need to protect citizens from national security emergencies.

The Jackson Lee Amendment does just that.

Specifically, my amendment ensures that the federal government is not further prohibited from responding to emergencies, such as the 2013 West, Texas chemical explosion that killed 15 people and created a fireball that leveled nearly the entire town.

In response to this mass explosion, the President issued an Executive Order to necessary to improve the safety and security at chemical facility in West, Texas and across the nation.

Recognizing the importance of responding to public health and safety emergencies, the Congressional Review Act specifically permits agencies to issue rules where the agency has good cause, such as responding to an emergency.

However, as the Government Accountability Office (GAO) has clarified, this exception is only available where an agency has not already undertaken regulatory action.

An exception substantively similar to the Jackson Lee Amendment appears in H.R. 4361, another bill that would establish a moratorium on “midnight rules” that has already passed the House this Congress.

We should include a similar exemption here to ensure that agencies retain the ability to effectively respond to urgent and pressing national security measures.

Now is not the time to undermine or slow the ability of our regulatory agencies ability to address growing threats and active cases of public health crises.

The Jackson Lee Amendment would ensure that any rule promulgated to prevent or respond to matters of national security would not be obstructed.

Accordingly, I urge adoption of the Jackson Lee Amendment.

[From CNN, Tue., April 22, 2014]

WEST, TEXAS, FERTILIZER PLANT BLAST THAT KILLED 15 “PREVENTABLE,” SAFETY BOARD SAYS

(By Elliott C. McLaughlin)

The 2013 fertilizer plant blast that killed 15 people and wounded another 226 in West, Texas, “should never have occurred,” the chairman of the U.S. Chemical Safety Board said Tuesday.

Though the board's report says that at least 14 people were killed, the death toll was updated to 15 people in the days after the blast. The board's investigation was released a few days after the first anniversary of the explosion.

I yield back the balance of my time.

Mr. ISSA. Mr. Chairman, in closing, I have served in this body for almost exactly 16 years; and I have observed the extremely rare times that a resolution of disapproval comes to this body. So I think if we can set a tone for the remainder of the debate, the tone should be set in recognition that these resolutions are rare. And they never—I repeat, never in my 16 years—and the gentlewoman and I have served a similar time—never have I seen one that is as well-founded as dealing with the safety of potentially explosives. Those kinds of regulations are routinely run through fairly quickly with congressional oversight and encouragement.

So I think we have to set the tone and ask how many times—Ranking Member CONYERS has served longer than anyone in this room—how many times have we brought these up. The fact is, even under this en bloc, it will be a small portion of those regulations created in the last days of an outgoing administration.

Ms. JACKSON LEE. Will the gentleman yield?



Mr. ISSA. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chair, my emotion, of course, deals with, as I think you know, many of the tragedies we have faced in the Nation.

Here is my point: Your interpretation, I need to analyze all of that, and I have not to date. But I would say to you, there is always a first time. There is always the possibility. What we are trying to do is to make an exception if that happens to occur, and it might not. But we give that privilege so that the people can be protected.

I thank the gentleman from California for yielding.

Mr. ISSA. Mr. Chairman, I thank the gentlewoman from Texas, and let us continue that tone.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

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AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 114-818.

Mr. CONNOLLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 12, insert "(A)" before "In applying". 4

Page 3, line 14, insert after "one or more such rules" the following: "(other than an excepted rule)".

Page 3, line 16, insert after "President's term." the following:

(B) For purposes of this paragraph, the term "excepted rule" means a rule that the Director of the Office of Management and Budget determines would have benefits that exceed its cost.

The Acting CHAIR. Pursuant to House Resolution 921, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. ISSA. Mr. Chairman, I would ask that my colleague consider his two amendments en bloc if he would. I would be happy to yield to make sure time is sufficient.

The Acting CHAIR. The gentleman from Virginia has been recognized for 5 minutes.

The gentleman from Virginia is recognized.

PARLIAMENTARY INQUIRY

Mr. CONNOLLY. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. CONNOLLY. I have no objection to the request of the gentleman from California. Is it, from a parliamentary point of view, a possibility?

The Acting CHAIR. The Chair would entertain a unanimous consent request from the proponent.

PERMISSION TO CONSIDER AMENDMENT NOS. 4 AND 5 OFFERED BY MR. CONNOLLY OF VIRGINIA EN BLOC

Mr. CONNOLLY. Mr. Chairman, I ask unanimous consent that the two amendments pending, 4 and 5, be amalgamated into one for the purpose of debate on the floor instead of separate consideration.

The Acting CHAIR. Is there objection to the request of the gentleman from Virginia to consider amendment Nos. 4 and 5 en bloc?

There was no objection.

AMENDMENTS EN BLOC OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY. Mr. Chair, I offer amendment Nos. 4 and 5 printed in part B of House Report 114-818.

The Acting CHAIR. The Clerk will designate the amendments.

The text of the amendments is as follows:

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 3, line 12, insert "(A)" before "In applying".

Page 3, line 14, insert after "one or more such rules" the following: "(other than an excepted rule)".

Page 3, line 16, insert after "President's term." the following:

(B) For purposes of this paragraph, the term "excepted rule" means a rule that the Director of the Office of Management and Budget determines would have benefits that exceed its cost.

AMENDMENT NO. 5 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 3, line 12, insert "(A)" before "In applying".

Page 3, line 14, insert after "one or more such rules" the following: "(other than an excepted rule)".

Page 3, line 16, insert after "President's term." the following:

(B) For purposes of this paragraph, the term "excepted rule" means a rule that addresses the harmful effects of climate change.

The Acting CHAIR. Pursuant to House Resolution 921, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, it seems this Congress will close out the 114th session much the same as it opened. Then we considered H.R. 185, a repeat of the anti-public health, anti-environment, anti-public safety legislation that was defeated in the 112th and 113th Congresses and which would come to characterize, unfortunately, this Congress. So I guess we shouldn't be surprised that just before we adjourn, the House majority will offer one last retread of this social Darwinian philosophy.

This latest iteration, the seductively titled Midnight Rules Relief Act, is nothing more than a retread, a backdoor attempt to roll back important steps to protect our constituents and our communities. My amendment would, at the very least, ensure we continue to take steps to mitigate the effects of climate change.

Climate change already poses a real and growing threat to our children, our families, our national security, and our economy. Denying it exists doesn't make it so. I can tell you in my native State of Virginia, we are seeing the effects of climate change in low-lying areas, including in and around our all-important naval base in Norfolk.

I know there are some who believe that the Clean Power Plan and similar rules which seek to curb climate change will crush the economy, but I will point out we have to listen to rhetoric all the time about job-killing regulations in the environment. The fact of the matter is Clean Air Act amendments and related amendments to protect our air and our water have, in fact, created jobs and, with respect to power rates, have, in fact, lowered power rates in large parts of the country, including my own in Virginia.

Turning my attention, Mr. Chairman, to the second amendment amalgamated, this bill once again amends the Congressional Review Act to allow a joint resolution disapproving en bloc regulations. The title of the bill leads one to believe that the period of coverage spans the waning hours of a Presidency when, in fact, according to the nonpartisan CRS, 60 legislative days takes us back to May of 2016, before we even confirmed our final Presidential candidates.

The Congressional Review Act already permits Congress to disapprove of regulations. This bill is nothing more than a partisan attempt to prevent the implementation of critical laws by our Federal Government to delegitimize President Obama's final months in office. I think it is unwise. I think it is imprudent. I think just like leaving a vacancy on the Supreme Court for an entire year on the dubious theory that a President in his last year of office ought to be somehow a lame-duck in every respect as if he had not legitimately been elected by the people of this country is certainly, I think, false logic, false constitutional logic, and dangerous to the functioning of a republic.

Mr. Chairman, I reserve the balance of my time.

Mr. ISSA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Chairman, on this en bloc pair of amendments, I have two very different reasons for objecting. In the case of the portion that is the Director of Office of Management and Budget, the gentleman from Virginia (Mr. CONNOLLY) and I spent an amazing

amount of time over the years looking at times in which OMB makes an estimate and then the reality is dramatically different.

So to carve out based on the Office of Management and Budget, which is a Cabinet-level, partisan appointment of the President, would have one believe that it is perfect. The reality is not only is it not perfect, but its track record tends to be very self-serving. Just the amount of times in which CBO scores very differently would cause all of us to know that this is not a good enough reason for a carve-out.

Having said that, I look forward to working with the gentleman from Virginia on both CBO and OMB scoring reform in the next Congress because I think we have a long way to go to get numbers right. If we get numbers right on both regulations and proposed laws, we can all do a better job.

In the case of the second portion of these two, I have to say that climate change has been unfairly made a political issue. The world is getting warmer; we know that. How much of it is caused by various things, we need to know, and I would hope that regulations would not be a source of that. But this President has, by many of his own statements, taken great credit for his use of a pen and a phone to make decisions related to his view of a single cause of climate change, that being carbon.

The fact is I look forward to working with any President on sensible regulations, but those regulations have to be consistent with the laws passed and the regulatory options given to the other branch. It is for that reason that we have the ability to disapprove.

So again, I would hope we all not look at specific regulations that may or may not be contested by the next Congress and, instead, look more appropriately at should we have the efficiency to consider maybe 20, maybe 10, maybe only 4 en bloc, all as one, or maybe in two separate. The reality is efficiency of the process of disapproval does not for a moment change the responsibility and authority of this body.

Mr. Chairman, I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, may I inquire how much time remains on my side.

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. CONNOLLY. Mr. Chairman, I take my friend from California's point about data. Let's look at OMB's latest report to Congress on Federal regulation which found that the monetized benefits of Federal regulations over the past decade are significantly higher, by a 10 to 1 margin, than their cost. That is their report. It is an inconvenient fact, but there it is.

I will finally end, Mr. Chairman, because I want to be respectful of my friend's intent here in trying to amalgamate these two amendments.

I am sorry, this is another bill in the long process of trying to delegitimize

President Obama's Presidency, and it, to me, is a shameful episode where some of my friends on the other side of the aisle—not necessarily Mr. ISSA—have attempted to basically nullify his ability to function as President, and therefore he has had to rely on executive powers in the absence of legislative action and thwarting.

I think the most egregious one besides this bill is, of course, leaving a vacancy open on the Supreme Court under the very dubious logic that somehow he is not entitled in the last year. That logic leads every single Member of Congress basically to not do anything in the second year here in the House because the same logic would pertain to them. They are lameducks until they are reelected or until the will of the people is heard in the next election cycle. That is, to me, foolish logic, dangerous logic, and I think it will put a cloud over the next President's tenure.

Mr. Chairman, I yield back the balance of my time.

Mr. ISSA. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from California has 2½ minutes remaining.

Mr. ISSA. I won't use it all. I thank the chairman, and I thank my colleague from Virginia. Let me take a moment to reflect, perhaps, on something that my colleague and friend said.

During my tenure with Mr. CONNOLLY, our committee sent 23 pieces of legislation to the President that he signed; we sent 74 to the other body. So if there is an enemy, perhaps it is the great bipartisan legislation that left the House and never got to the President. The President signed all 23 pieces of legislation, though, that got through the Senate, including legislation that Mr. CONNOLLY and I worked on together.

Since my leaving that committee, additional legislation has come through that committee on a bipartisan basis, including a huge expansion of the Freedom of Information Act. I would hope that in these last days, we would reflect on the successes of this Congress and the successes of our outgoing President because, in fact, for all that we all do in the performance of our oversight role, we also have had fine and notable successes and good legislation under this President; and I would like to take this moment to take note that, in fact, the President has signed the vast majority of legislation that left here on a bipartisan basis, including a piece of legislation that Mr. CONNOLLY was critical on.

I yield to the gentleman if he has any further comment.

Mr. CONNOLLY. I thank my friend for yielding.

I am struck by a humorous observation when he talks about what happened in the other body to a lot of legislation. I believe it may have been

Sam Rayburn who said, as a Democratic Speaker, the Republicans are in the opposition but the Senate is the enemy.

Mr. Chairman, I, of course, meant no disrespect. I was simply quoting a former Speaker of this body.

Mr. ISSA. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CONNOLLY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments en bloc offered by the gentleman from Virginia will be postponed.

Mr. ISSA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VALADAO) having assumed the chair, Mr. DOLD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5982) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for "midnight rules", and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 10:50 a.m. today.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess.

□ 1050

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YOUNG of Iowa) at 10 o'clock and 50 minutes a.m.

#### MIDNIGHT RULES RELIEF ACT OF 2016

The SPEAKER pro tempore. Pursuant to House Resolution 921 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5982.

Will the gentleman from Illinois (Mr. DOLD) kindly resume the chair.

□ 1050

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5982) to amend chapter 8 of title 5,